

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Daryl C. Murton, being duly sworn state as follows:

AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), and have been since March 17, 2018 and I am currently assigned to the Memphis Division of the FBI. My training with the FBI includes the Basic Field Training Course and the Counterterrorism Baseline Operational and Legal Training Course. I am currently participating in multiple Counterterrorism and Criminal investigations. During these investigations, I have conducted and/or participated in the following: physical surveillance, electronic surveillance, victim and suspect interviews, the execution of arrest and search warrants, and debriefing and tasking informants. Lastly, I am an investigative or law enforcement officer of the United States within meaning of section 2510(7) Title 18, United States Code, and am empowered by law to conduct investigations and make arrests for offenses enumerated in Section 2516 of Title 18, United States Code.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, law enforcement officials and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. Based on the facts set forth in this affidavit, there is probable cause to believe that violations of Title 18 U.S.C. § 113(a)(5) (Simple Assault) and Title 49 U.S.C. § 46506(1) (Application of Criminal Laws to Acts on Aircraft).

STATEMENT OF PROBABLE CAUSE

3. The United States, including the FBI, is conducting a criminal investigation of Rajesh Subramanya, a pediatrician for Baptist Memorial Hospital of Northern Mississippi in Oxford, Mississippi for violations of 18 U.S.C. § 113(a)(5) and 49 U.S.C. § 46506(1).

4. On September 29, 2019 Micheline Goulart called the Memphis Police Department (MPD) to report being groped by an unknown male passenger while aboard Delta flight 3359 from LaGuardia Airport to Memphis International Airport.

5. MPD took a report and referred Ms. Goulart to the Memphis International Airport Police Department (MIAPD) as the incident occurred on an aircraft. On September 30, 2019 Ms. Goulart made a report with MIAPD who referred her to the FBI.

6. The reports indicated that Ms. Goulart slept during the September 29, 2019 flight but awoke as the plane descended near Memphis to land. Lights were turned on in the cabin in preparation for landing. At that moment, Ms. Goulart felt as though a hand were pulled back from her breast. She looked at the man seated to her right, and he appeared to be asleep. A short time later, the lights in the cabin were turned off, and thinking she may have imagined things, Ms. Goulart closed her eyes and laid her head back.

7. Shortly after this, Ms. Goulart felt the male passenger's hand go under the sweater she had draped over herself like a blanket, inside her shirt, and under her bra, grabbing her breast. Ms. Goulart recoiled, and the male passenger used his hand to move up and down on two of her fingers in a sexual gesture. Ms. Goulart pulled her hand away. The man asked her if he could touch her and she said no. He then proceeded to strike up a conversation with Ms. Goulart during which he revealed that he was a pediatrician in Oxford, Mississippi named "Raj". Upon

learning that Ms. Goulart was a doctor in residency, he suggested they exchange phone numbers for professional networking purposes. Ms. Goulart did so as she thought it may assist in identifying him later.

8. Once the plane landed, Ms. Goulart, having only a carry-on item, quickly left the airport and returned to her apartment where she called her father, an attorney in Colorado, who advised her to contact the police. Thereafter, she made the aforementioned reports to MPD, MIAPD, and the FBI.

9. The phone number the man provided to Ms. Goulart enabled the FBI to identify the male passenger as Rajesh Subramanya, a pediatrician at Baptist Memorial Hospital of Northern Mississippi in Oxford, Mississippi.

10. On October 4, 2019 Special Agents from the FBI Memphis field office interviewed Ms. Goulart. She identified Mr. Subramanya as the person responsible for the unwanted touching in a photo array shown to her during that interview.

11. FBI Memphis asked Ms. Goulart to participate in a surreptitiously recorded conversation with Mr. Subramanya and the call was conducted on October 11, 2019. During the call, Mr. Subramanya was very apologetic for their interaction on the flight, but did not specify precisely what he was sorry for.

12. On October 31, 2019 FBI Memphis Special Agents interviewed Mr. Subramanya at his residence located at 2998 Old Taylor Road, Apt. 509, Oxford, Mississippi 38655. During that interview, Mr. Subramanya stated that he touched Ms. Goulart's arm and asked her if he could touch her. She was leaning toward his seat as she slept and he stated he took that to mean she welcomed his touch. Mr. Subramanya stated that he then proceeded to touch Ms. Goulart's breast outside her clothing. When pressed by the interviewing agents to explain why he

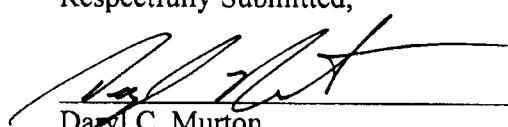
interpreted Ms. Goulart's lean as an indication of consent for him to touch her, Mr. Subramanya confessed that he was aware that Ms. Goulart's movement toward him did not mean she consented to being touched by him.

13. During the interview, Mr. Subramanya expressed concern about what may happen to him as a result of this incident. Subsequent to the interview, Mr. Subramanya called and texted Special Agent Daryl Murton several times echoing those same concerns. On November 18th, 2019 at approximately 1:00 PM, Special Agent Murton was made aware by CBP that Mr. Subramanya scheduled a flight to India departing from Memphis at 12:59 November 19, 2019. The FBI, in conference with CBP, are concerned that Mr. Subramanya may be attempting to depart the country over concerns of potential prosecution.

CONCLUSION

Based on my investigation, I believe that there is probable cause to believe that the subject violated the statutes as set forth in this criminal complaint and respectfully request that the Court issue an arrest warrant.

Respectfully Submitted,



Daryl C. Murton
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on the 19th day of November 2019.

DIANE K. VESCOVO

HON. DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE
WESTERN DISTRICT OF TENNESSEE